

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ISIAH J. JONES,)	4:05CV3053
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
NEBRASKA DEPARTMENT)	
OF CORRECTIONAL SERVICES,)	
et al.,)	
)	
Defendants.)	

This case is closed and is on appeal. Plaintiff, a prisoner who had appointed counsel (filing [76](#)) in the proceedings before this court, has submitted the full \$455.00 appellate filing fee. The Clerk of Court has transmitted the electronic court file in this matter to the Eighth Circuit Court of Appeals. (Filings [207](#) & [211](#).) Now pending before this court is Plaintiff's Praeclipe for Transcript (filing [212](#)) in which Plaintiff asks the Clerk of Court to provide him a copy of the transcript "for Plaintiff to prepare, draft, and file his brief on appeal." Plaintiff has also filed a Motion for Leave to Proceed In Forma Pauperis with supporting affidavit (filing [213](#)), as well as his prisoner account statement (filing [214](#)), which shows a "current unfrozen balance" of \$1,068.86 as of April 30, 2008.

Regarding Plaintiff's Praeclipe for Transcript (filing [212](#)), [28 U.S.C. § 1915\(c\)](#) provides in part: "Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of . . . printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court . . ." As stated above, the Clerk of the United States District Court for the District of Nebraska has already transmitted the electronic court file to the Eighth Circuit Court of Appeals. Further, the statutory right to proceed in

forma pauperis does not include the right to receive copies of documents without payment. 28 U.S.C. § 1915; *see also Haymes v. Smith*, 73 F.R.D. 572, 574 (W.D.N.Y. 1976) (“The generally recognized rule is that a court may not authorize the commitment of federal funds to underwrite the necessary expenditures of an indigent civil litigant’s action.”) (citing Tyler v. Lark, 472 F.2d 1077 (8th Cir. 1973) (other citations omitted)). Accordingly, I shall deny Plaintiff’s motion. If Plaintiff requires copies of court documents, he should contact the Clerk of the Court, or his appointed counsel from proceedings in this court, in order to request and pay for copies.

Because Plaintiff has paid the full appellate filing fee, I shall deny his Motion for Leave to Proceed In Forma Pauperis (filing 213) as moot.

IT IS ORDERED:

1. Plaintiff’s Praeclipe for Transcript (filing 212) is denied;
2. Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (filing 213) is denied as moot.

June 11, 2008.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge